

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIARONALD W. BRATTON,
Plaintiff,

v.

RON BROOMFIELD, et al.,
Defendants.

Case No. 20-03885-BLF (PR)

**ORDER DENYING MOTION TO
REFUND COST**

(Docket No. 51)

Plaintiff, a state prisoner proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On July 25, 2023, the Court granted Defendants' motion to dismiss the second amended complaint but with leave to file a third amended complaint to correct the deficiencies discussed in the order. Dkt. No. 44. Plaintiff was directed to file a third amended complaint within twenty-eight days from the date the order was filed and advised that failure to respond would result in the dismissal of the action without further notice to Plaintiff. *Id.* at 17. Thereafter, the Court twice granted Plaintiff's motions of extensions of time with the same warning that failure to respond would result in dismissal of this action. Dkt. Nos. 46, 48. When the last deadline, October 30, 2023, passed without any response from Plaintiff, the Court dismissed the action without prejudice for failure to file a third amended complaint in the time provided. Dkt. No. 49. Judgment was entered

1 on November 14, 2023. Dkt. No. 50.

2 On September 16, 2024, Plaintiff filed a motion to refund cost of filing, asserting
3 that he did not receive due process in this matter. Dkt. No. 51. That is simply not the case.
4 Plaintiff was granted three opportunities to correct the deficiencies of his pleading to
5 attempt to state sufficient facts to proceed with a cognizable claim. Dkt. Nos. 9, 16, 44.
6 The fact that he was ultimately unable to do so was not due to a lack of due process.
7 Plaintiff's dissatisfaction with the outcome of his case does not entitle him to a refund.
8 Accordingly, Plaintiff's motion is DENIED.

9 This order terminates Docket No. 51.

10 **IT IS SO ORDERED.**

11 Dated: October 3, 2024


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California